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OFFICE OF PETITIONS

In re Patent of Bharitkar et al. : DECISION ON REQUEST
Patent No. 7,567,675 : FOR RECONSIDERATION OF
Issue Date: July 28, 2009 : PATENT TERM ADJUSTMENT
Application No. 10/700,220 : AND NOTICE OF INTENT TO
Filing Date: November 3, 2003 : ISSUE CERTIFICATE OF
Attorney Docket No. 095002-0102 : CORRECTION

This is a decision on the petition filed on September 22, 2009, which is being treated as a petition under 37 C.F.R. § 1.705(d) requesting that the patent term adjustment indicated on the patent be corrected to indicate that the term of the patent is extended or adjusted by nine hundred seventy-eight days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by nine hundred seventy-eight days is **GRANTED to the extent indicated herein**.

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the period of delay under 35 U.S.C. § 154(b)(1)(B), the over three year period began on November 4, 2006, and ended on October 25, 2007, *the day before* the RCE was filed, and is 356 (not 357) days. *See* 35 U.S.C. § 154(b)(1)(B)(i). As such, the patent term adjustment is 977 days, not 978.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 C.F.R. § 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under 37 C.F.R. § 1.136.

The Office acknowledges submission of the \$200.00 fee set forth in 37 C.F.R. § 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **nine hundred seventy-seven (977) days**.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.



Anthony Knight
Supervisor
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,567,675 B2

ISSUE DATE : July 28, 2009

DRAFT

INVENTOR(S) : Bharitkar et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 732 days.

Delete the phrase "by 732 days" and insert - by 977 days--